

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 1:14-CR-2101-LRS-5

Plaintiff,

vs.

MAJDE MIQBEL,

Defendant.

ORDER GRANTING MOTION TO
EXPEDITE AND GRANTING
SECOND MOTION TO MODIFY
CONDITIONS OF RELEASE

BEFORE THE COURT without oral argument is Defendant's Motion to Modify Conditions of Release (**ECF No. 120**), which the Court expedites pursuant to the simultaneously filed Motion to Expedite (**ECF No. 121**). Defendant requests modification of Special Condition No. 19 of his pretrial release requiring GPS monitoring and home detention. Instead of home detention, Defendant asks the Court to impose a curfew restricting him to his home between 11:00 p.m. and 7:00 a.m. The Motion is unopposed. (ECF No. 122). According to the Motion, the Defendant's supervising probation officer is not opposed to the requested modification.

A magistrate judge has the authority to modify pretrial release conditions while remaining mindful that such conditions continue to satisfy the goals of the Bail Reform Act of 1984 to reasonably assure a defendant's appearance at his or her trial and the safety of the community. See 18 U.S.C. § 3142(f) to (g); 18 U.S.C. § 3142(c)(3) (“The judicial officer may at any time amend the order to impose additional or different conditions of release.”); 28 U.S.C. § 636(a)(2) (magistrate judge is empowered to “issue orders pursuant to section 3142 of title 18 concerning

1 release or detention of persons pending trial"). In ensuring that the goals of the Act
2 are satisfied, the Court is guided by 18 U.S.C. § 3142(f), which requires a
3 defendant to establish that new information exists that was not known to him or her
4 at the time of the initial detention hearing, and that this new information is material
5 to his or her release conditions regarding flight or dangerousness. 18 U.S.C. §
6 3142(f).

7 Defendant presents the fact that the Defendant has been compliant with all
8 terms of pretrial conditions during the pendency of the case. However, compliant
9 behavior is required. The Court will modify Special Condition No. 19 as
10 requested, but also impose an additional condition regarding employment.

11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 1. Defendant's Motion to Expedite (**ECF No. 121**) and (Second) Motion to
13 Modify Conditions of Pretrial Release (**ECF No. 120**) are **GRANTED**.

14 2. Defendant's Special Condition of Release No. 19 as set forth in the
15 Court's Order Setting Conditions of Release (ECF No. 104) is modified to read as
16 follows:

17 (19) Defendant shall participate in the following home confinement
18 program(s):

19 **GPS Monitoring:** The Defendant shall participate in a program of GPS
20 confinement. The Defendant shall wear, at all times, a GPS device under the
21 supervision of U.S. Probation. In the event the Defendant does not respond to GPS
22 monitoring or cannot be found, the U.S. Probation Office shall forthwith notify the
23 United States Marshals' Service, who shall immediately find, arrest and detain the
24 Defendant. The Defendant shall pay all or part of the cost of the program based
25 upon ability to pay as determined by the U.S. Probation Office.

26 **AND**

27 **Curfew:** Defendant shall be restricted to his/her residence every day from
28 11:00 p.m. to 7:00 a.m. as directed by the Pretrial Services Office.

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1 3. The following Special Condition of Release No. 21 is added to the
2 Conditions of Release set forth in ECF No. 104:

3 **(21)** Defendant shall maintain or actively seek lawful employment.

4 The Clerk of the Court is directed to enter this Order and provide copies to
5 counsel and to U.S. Probation.

6 **DATED** April 10, 2015.

7 s/James P. Hutton
8 JAMES P. HUTTON
9 UNITED STATES MAGISTRATE JUDGE